

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:20-CV-00199-M

KAREN L FAIRCLOTH,)
 Plaintiff,)
)
v.)
)
ANDREW SAUL, *Commissioner of*)
Social Security,)
 Defendant.)

ORDER

This matter is before the court on the Memorandum and Recommendation (hereinafter “M&R”) of United States Magistrate Judge Robert B. Jones, Jr. [DE-28] to grant the Plaintiff’s Motion for Judgment on the Pleadings [DE-23], deny the Defendant’s Motion for Judgment on the Pleadings [DE-26], and remand the case to the Commissioner for further proceedings consistent with the M&R. Neither party filed objections to the M&R and the deadline for doing so has expired. The matter is ripe for ruling.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotations omitted); *see* 28 U.S.C. § 636(b). Absent timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond*, 416 F.3d at 315 (citation and quotations omitted).

The court has reviewed the M&R and the record in this case and is satisfied that there is no clear error on the face of the record. Accordingly, the court ADOPTS the M&R [DE-28] and for the reasons state therein GRANTS the Plaintiff’s Motion for Judgment on the Pleadings [DE-

23], DENIES the Defendant's Motion for Judgment on the Pleadings [DE-26], and REMANDS the case to the Commissioner for further proceedings consistent with the M&R.

SO ORDERED this the 7th day of May, 2021.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE